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Southern District
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March 19, 2020

By ECF

Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: United States v. Robert Berry
20 Cr. 72 (JMF)**

Dear Judge Furman:

I write to request (1) a modification of Mr. Berry's bail conditions, and (2) an adjournment of the conference date currently scheduled for March 30, 2020.

Mr. Berry's maternal grandmother passed away today, and the funeral is scheduled for Thursday, March 26, 2020 in Houston, Texas. Mr. Berry would like to attend the funeral, with travel to Houston on March 25, 2020, returning to New York on March 29, 2020. As such, I am requesting a modification of his bail conditions to allow for this travel. Mr. Berry is currently on location monitoring with a curfew. Pretrial Services has informed me that it could accommodate the travel with a modification of the bail conditions to "location monitoring with stand-alone GPS." The Government does not object to this request.

I am also requesting an adjournment of the conference date currently scheduled for March 30, 2020. The Government and I are in active plea negotiations in an attempt to find an appropriate disposition in this matter. I will be making a written submission to the Government tomorrow. I am requesting an adjournment of 30 days for the Government to consider my proposal and for us to complete the plea discussions. The Government does not object to this request.

The Government and I jointly request that the running of speedy trial time be suspended pursuant to Chief Judge McMahon's standing order issued on March 13, 2020 in response to the current state of emergency and medical crisis.

Thank you for your consideration.

Sincerely,



Tamara L. Giwa
Assistant Federal Defender
Federal Defenders of New York
(212) 417-8719

Cc: AUSA Brett Kalikow (via ECF and email)
Pretrial Services Officer Carlos Ramirez (via email)

Application GRANTED. The pretrial conference is ADJOURNED to April 27, 2020, at 4:00 p.m. Pursuant to the Standing Order of March 13, 2020, time under the Speedy Trial Act has been excluded through that date. But out of an abundance of caution, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), the Court also excludes time under the Speedy Trial Act between today and April 27, 2020, finding that the purposes of excluding that time outweigh the interests of the defendant and the public in a speedy trial given the inability to safely hold a conference at this time.

The Clerk of Court is directed to terminate Doc. #11.

SO ORDERED.



March 20, 2020